

# Notice of Allowability

Application No.

09/980,210

Examiner

Dillon J. Murphy

Applicant(s)

IWATA ET AL.

Art Unit

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment filed 8/18/2006.
2. ☒ The allowed claim(s) is/are 1-11, 13-18, 21-32, 34-39, 41, 44-52 and 54-56.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

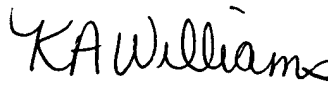
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**KIMBERLY WILLIAMS**  
SUPERVISORY PATENT EXAMINER

### **DETAILED ACTION**

- This action is responsive to the after final amendment filed on August 18, 2006.
- Claims 1-11, 13-18, 21-32, 34-39, 41, 44-52, and 54-56 are pending. Claims 76, 96, and 97 are canceled.

#### ***Claim Rejections - 35 USC § 101***

The 35 U.S.C. 101 rejection of claim 96 has been withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The 35 U.S.C. 103 rejections of claim 76, 96, and 97 have been withdrawn.

#### ***Allowable Subject Matter***

Claims 1-11, 13-18, 21-32, 34-39, 41, 44-52, and 54-56 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 1 and 11 of the current application teaches similar subject matter as the prior art of Kato (US 6760118). However, claims 1 and 11 are allowed for the reasons pointed out by Applicant's remarks, filed March 3, 2006, on pages 25-26, especially the second full paragraph on page 25 through the first full paragraph on page 26.

It follows that dependent claims 2-10 are inherently allowable for depending on an allowable base claim.

Claim 13 of the current application teaches similar subject matter as the prior art of Kato (US 6760118) in view of Yacoub (US 6552813). However, claim 13 is allowed

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for the reasons pointed out by Applicant's remarks, filed March 3, 2006, on page 27, first full paragraph.

It follows that dependent claims 14-18 are inherently allowable for depending on an allowable base claim.

Claim 21 of the current application teaches similar subject matter as the prior art of Kato (US 6760118) in view of Shimada (US 6654136). However, claim 21 is allowed for the reasons pointed out by Applicant's remarks, filed March 3, 2006, on pages 29-30, especially the first full paragraph on page 29 through the first full paragraph on page 30.

It follows that dependent claims 22-30 are inherently allowable for depending on an allowable base claim.

Claims 31, 32, 34, 35, and 41 of the current application teaches similar subject matter as the prior art of Kato (US 6760118) in view of Shimada (US 6654136) and further in view of Yamamoto et al. (US 6553431). However, claims 31, 32, 34, 35, and 41 are allowed for the reasons pointed out by Applicant's remarks, filed March 3, 2006, on page 31, second full paragraph.

It follows that dependent claims 36-39 are inherently allowable for depending on an allowable base claim.

Claims 44, 52, and 54 of the current application teaches similar subject matter as the prior art of Kato (US 6760118) in view of Roosen et al. (US 6856413). However, claims 44, 52, and 54 are allowed for the reasons pointed out by Applicant's remarks, filed March 3, 2006, on page 32, first, second, and third full paragraphs.

It follows that dependent claims 45-51, 55, and 56 are inherently allowable for depending on an allowable base claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon J. Murphy whose telephone number is (571) 272-5945. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJM



August 23, 2006



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